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MAY 23 2003

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OFFICE OF THE DIRECTOR
TC 3800

In re application of
Stanley Gene Boyer et al.
Application No. 09/891,197
Filed: June 26, 2001
For: EVENT DRIVEN AIRPORT

: DECISION ON RENEWED
: REQUEST FOR WITHDRAWAL
: OF ATTORNEY

This is a decision on the renewed request filed on March 17, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

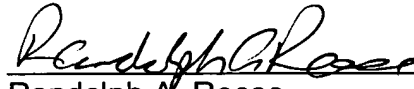
Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

A request for withdrawal as attorney was filed on December 10, 2002. The request was not approved in a decision mailed January 7, 2003 wherein it was held that the above identified application lacked conditions A) and B) above. A renewed request to withdraw as attorney was filed on January 22, 2003. That request was also not approved because the request still lacked conditions A) and B) above.

The renewed request filed March 17, 2003 states that the assignee is Sabre, Inc. and refers to the assignment in the request by reel and frame number. The renewed request is not approved because the request does not comply with condition B) above.

Simply noting the reel and frame numbers of the recorded assignment is insufficient. Absent a 3.73(b) statement, the "client" referred to in 37 CFR 10.40 is seen as being those individuals who conferred power upon the attorneys, in this case the inventors.


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RAR/tpl: 5/20/03